

STIPULATION

The Defendants, Dover Area School District and Dover Area School District Board of Directors, and the non-parties, Joseph Maldonado and Heidi Bernhard-Bubb, hereby **STIPULATE** and **AGREE** as follows:

The Defendants in this matter and the non-party subpoenaed witnesses, Joseph Maldonado and Heidi Bernhard-Bubb, hereby stipulate to the entry of a Citation for Contempt against the said non-party subpoenaed witnesses, Joseph Maldonado and Heidi Bernhard-Bubb, with a nominal fine of \$1.00 as a result of the refusal of the said non-parties to testify at pre-trial depositions. It is further stipulated by the Defendants and non-parties that the non-parties may thereafter proceed with an appeal of the Contempt Citation and the underlying Order entered by the Honorable United States District Court for the Middle District of Pennsylvania on September 12, 2005 (doc. 183) to the United States Court of Appeals for the Third Circuit.

By entering into this Stipulation with the non-parties, it is understood and agreed that the Defendants do not waive any rights and remedies that are otherwise available to them through the appeal process. Defendants also do not waive their right to proceed with the depositions of Maldonado and Bernhard-Bubb in the event that Maldonado and Bernhard-Bubb do not secure entry of an order holding them in contempt and file an appeal from that contempt order within three (3) days of entry of the order holding them in contempt. In the event that Maldonado and Bernhard-Bubb are not found in contempt, Maldonado and Bernhard-Bubb reserve the right to proceed with a request for certification of the Order entered on September 12, 2005 (doc. 183) for interlocutory appeal pursuant to 28 U.S.C. §1292(b) and further reserve all other rights and remedies available to them.

Maldonado and Bernhard-Bubb agree that they will not oppose any effort by Defendants to proceed with any cross-appeal which the Defendants may file in connection with the appeal of Maldonado and Bernhard-Bubb. The Defendants understand and agree that the non-parties do not waive any rights and remedies that are otherwise available to them in connection with any such cross appeal of Defendants.

This Stipulation may be executed in counterparts.

STIPULATED AND AGREED TO BY THE FOLLOWING:

/s/ Patrick T. Gillen

Counsel for Defendants

Date: September 21, 2005 Printed Name: Patrick T. Gillen

/s/ Niles S. Benn, Esquire

Counsel for Non-Parties

Date: September 21, 2005 Printed Name: Niles S. Benn, Esquire